

ROBERT R. POWELL, ESQ. CSB: 159747
DENNIS R. INGOLS, ESQ. CSB: 236458
LAW OFFICES OF ROBERT R. POWELL
925 West Hedding Street
San José, California 95126
T: 408-553-0200 F: 408-553-0203
E: rpowell@rrpassociates.com

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
(San Jose Division)

THOMAS VAN ZANDT)	Case No. CV 07 – 04987 JF
)	
Plaintiff,)	
v.)	FURTHER JOINT CASE MANAGEMENT
)	CONFERENCE STATEMENT
CITY OF SAN JOSE, et al.,)	
)	Date: September 19th, 2008 Time: 10:30 a.m.
Defendants.)	Dept. 3 Honorable Judge Jeremy Fogel
_____)	

INTRODUCTION

All parties jointly submit this Case Management Statement to update the court on the developments in this case and propose trial dates as set forth below.

DEVELOPMENTS SINCE LAST CASE MANAGEMENT CONFERENCE

All parties have now been properly served and responded.

The parties have tentatively scheduled a settlement conference for March 10th, 2009, though one or two counsel are still waiting to clear that date. The settlement conference would be with Judge Seeborg. The parties would like to have the settlement conference sooner than later, and at the CMC plaintiffs would like to discuss utilizing one of the local

1 counsel for a mediation of the dispute, if it can be scheduled before the end of the year, and
2 before significant discovery is underway.

3 The parties are in the process of scheduling depositions, and it is believed that all paper
4 discovery (including items such as incident reports from the store the incident began to unfold
5 in, police reports, and a videotape of the events at the bathroom door in the store, and the
6 plaintiffs medical records and bills), has been exchanged.

7
8 At this time it does not appear any deviation from the normal discovery limits under the
9 FRCP are needed, but all parties reserve the right to seek a deviation if necessary.

10 **TRIAL DATE PROPOSALS AND TIME ESTIMATES¹**

11 The parties propose different dates / timeframes for commencing trial.

12 Plaintiffs submit that trial would be / should be sometime in May or June of 2009.

13 Defendants City of San Jose, Professional Security Consultants (Mr. Scott and Mr.
14 Garcia) and Samantha Fein propose trial should be in September of 2009.

15 Given the disparity in opinions on trial dates, and in consideration of the court's own
16 calendar of which the parties are completely unaware, all counsel will come to the CMC
17 prepared with calendars to discuss scheduling of the trial and all related discovery cut-off
18 dates and pre-trial dates, with the court.

19 All parties agree a reasonable estimate of the total time for trial, if held on consecutive
20 days, would not exceed six days, inclusive of jury selection. The parties will accept whatever
21 calendaring schedule derives from the selected date, based on this court's typical calendaring
22

23
24
25 ¹ Kim James, Counsel for defendant Westfield LLC, was unavailable on the 12th of September
when this Joint Statement was circulated. It is believed she will be agreeable with its contents,
but that cannot be guaranteed and should she respond with any changes an amended statement
will be provided.

1 of such matters as discovery cut-off, dispositive motion, pre-trial, and hearing dates, reserving
2 the right to request modifications thereof.

3
4 Dated: 9/12/08

/S/ Robert Powell
ROBERT R. POWELL, ESQ.
Attorney for Plaintiff

5
6 Dated: 9/12/08

/S/ Michael Groves
MICHAEL GROVES, ESQ.
Attorney for Defendants City of
San Jose, Weir, Pfeiffer, Higgins,
And Natividad

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8
9
10
11 Dated: 9/12/08

/S/ Kim James
KIM JAMES, ESQ.
Attorney for Westfield, LLC
[See footnote #1]

12
13
14 Dated: 9/12/08

/S/ Seja Ojha
SEJA OJHA, ESQ.
Attorney for Professional
Security Consultants, Ryan Scoot,
Daniel Garcia

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16
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18 Dated: 9/12/08

/S/ Rebecca Widen
REBECCA WIDEN, ESQ.
Attorney for Samantha Fein